

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

&

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(Crl.).No. 206 of 2007(S)

PETITIONER:

N.KESAVN NAMBOOTHIRI, AGED 63 YEARS,
S/O. LATE NARAYANAN NAMBOOTHIRI,
GEETHA VILAS, P.O. AZHIYANNUR,
OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.ESM.KABEER

RESPONDENTS:

1. THE SUPERINTENDENT OF POLICE,
PALAKKAD.
2. THE SUB INSPECTOR OF POLICE,
PUTHUNAGARAM POLICE STATION,
PALAKKAD DISTRICT.
3. GIREESH, S/O. PARAMESWARAN,
MARANGATTU ILLAM, KODUVAYOOR P.O.,
CHITTOOR TALUK, PALAKKAD DISTRICT.

R1 & R2 BY GOVT.PLEADER SRI V.T.K. MOHANAN

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

W.P. (CRL) .No.255/07

APPENDIX

PETITIONER's EXT:

EXT.P1 TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER
 BEFORE THE 2ND RESPONDENT DTD. 21/10/2007.

P.R.RAMAN & V.K.MOHANAN, JJ.

W.P. (Cr1) NO.206 OF 2007

Dated this the 7th day of September, 2007

JUDGMENT

Raman, J.

This writ petition is filed by the father of one Sampreetha, who is alleged to be missing. It is admitted in the writ petition that she was married to the 3rd respondent as early as in June, 2001. In paragraph 2 of the writ petition it is averred as follows:

" The petitioner, on enquiry came to understand that she eloped with one Susmith Chandra Bose, who belonged to Kalamassery in Ernakulam District. He is also known to be interested in literary works."

2. The above statement clearly shows that even according to the petitioner, his daughter has eloped with somebody. If so, it cannot be said that she is under the illegal custody of anybody. Habeas Corpus Petition, in the circumstances, will not lie. However, we direct that the complaint given to the police regarding the missing of the girl shall be pursued in accordance with the Code of Criminal Procedure.

Writ Petition is dismissed.

**P . R . RAMAN ,
Judge .**

**V . K . MOHANAN ,
Judge .**